

Serial No. 10/719,013
Amdt. dated March 3, 2005
Reply to Office Action of October 4, 2004

Docket No. MDR-0004

REMARKS/ARGUMENTS

Claims 17-47 are pending. By this Amendment, claim 17 is amended. No new matter has been added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

I. PRIORITY DOCUMENTS

A certified copy of the priority document, Spanish Patent Application No. 200202704 filed November 25, 2002, to which this application claims priority under 35 U.S.C. § 119(a)-(d) or (f) was filed on November 24, 2003. The Examiner is requested to acknowledge the claim and the receipt of the certified copy of the priority document in the next Patent Office communication.

II. ALLOWABLE SUBJECT MATTER

Applicant acknowledges with appreciation the indication in the Office Action that claims 18-22, 25-36, 42-44 and 47 recite allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. However, claims 18-22, 25-36, 42-44 and 47 have not been rewritten in independent form at this time.

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III. FORMAL MATTERS

A. Drawing Objection

The drawings are objected to for allegedly not showing claimed features. With respect to an elastic member, claim 17 is amended to delete the feature. With respect to longitudinal channels 65, they are shown in Fig. 1. Withdrawal of the drawing objection is respectfully requested.

B. Specification Objection

The specification is objected to for failing to provide proper antecedent basis for the claimed subject matter of claim 37. Applicant respectfully submits that longitudinal channels are described in paragraph [26] of the specification. Withdrawal of the objection is respectfully requested.

IV. REPLY TO REJECTIONS

A. 35 U.S.C. § 102(e) Rejection

On page 3 of the Office Action, claims 17, 23, and 24 are rejected under 35 U.S.C. § 102(e) over U.S. Patent Application Publication No. US 2003/0047174 to Tiberius et al. (hereinafter "Tiberius"). The rejection is respectfully traversed.

Independent claim 17 recites a compressed gas operated pistol comprising, *inter alia*, a trigger zone, comprising a trigger linked to a hammer; and a stock zone, wherein the stock zone comprises, *inter alia*, a valve element configured to connect the valve chamber and the firing chamber, wherein the valve element is configured to be moved from a closed position to an open position by an impact of the hammer. Tiberius does not disclose or suggest at least such features of the claimed combination of independent claim 17.

That is, in Figs. 3 and 4, Tiberius discloses a paintball gun 10 having a gas cartridge 60, and an enclosure 26 for either hiding, protecting, or pressurizing an internal cavity 27 (see paragraph 0056 of Tiberius). The cavity 27 contains a rear or tail shaft 46 that may be operated as a spool valve for controlling the inlet of propellant 58 into the propellant chamber 31 (see paragraph 0065 of Tiberius). Tiberius also shows an ammunition chamber 34 at the end of the barrel 20 where a projectile 32 is held. The propellant 58 is vented from the propellant chamber 31 into the ammunition chamber 34 to move the projectile 32 (see paragraph 0066 of Tiberius). Tiberius also shows a bolt 40 having a bolt head 41 (see paragraph 0061 of Tiberius). As shown in Figure 4, the bolt 40 is formed as a single piece with the bolt head 41, the tail shaft 46, and nose and middle shafts 50 and 52.

It is asserted in the Office Action that the impact of the bolt 40 and the bolt head 41 causes the movement of the tail shaft 46 to an open position in Tiberius. This is not disclosed or suggested in Tiberius. Rather, Tiberius clearly shows that the bolt 40, the bolt head 41, the

nose shaft 50, the middle shaft 52 and the tail shaft 46 are one piece. In paragraph 0075, Tiberius discloses that the bolt head 41 is secured by being threaded into a fitting to the nose shaft 50. Tiberius clearly shows a bolt 40 including a head 41 (see paragraph 0061 of Tiberius). Therefore, as the bolt 40 and the head 41 are secured to each other, the bolt 40 cannot impact the head 41 and cause movement of rear shaft 46. A bolt 40, the head 41, and the connected rear shaft 46 moves simultaneously as a single piece (see paragraph 0066 of Tiberius).

Instead of a hammer impacting a valve element, Tiberius discloses that pulling of a trigger 90 releases the bolt 40 to advance forward into the chamber 34, and in the process, pulls forward the components in the actuating valve 38, including the head 41 and the rear shaft 46 (see paragraphs 0061 and 0097-0099 of Tiberius), and causes release of propellant in the propellant chamber 31 into the ammunition chamber 34, accelerating the projectile 32 down the barrel (see paragraph 63 of Tiberius).

Because Tiberius fails to disclose a hammer and a valve element that is configured to be moved from a closed position to an open position by an impact of the hammer, claim 17 is patentable over Tiberius. Dependent claims 23-24 and 27 are also patentable over the applied reference for at least the reasons discussed above with respect to independent claim 17, from which they depend, as well as for the additional features they recite. Withdrawal of the rejection is respectfully requested.

B. 35 U.S.C. § 102(b) Rejection

On page 4 of the Office Action, claims 38-41, 45, and 46 are rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,497,229 to Maeda. The rejection is respectfully traversed.

Independent claim 38 recites a compressed gas operated pistol, comprising, *inter alia*, a barrel positioned with a rear end facing the firing chamber and configured to be partially inserted into the firing chamber. Maeda does not disclose or suggest at least such features or the claimed combination of independent claim 38.

That is, Maeda discloses an automatic air sport gun, comprising a chamber 5 with an opening 4, a barrel 6 mounted from the chamber 5, a trigger 43, an outer barrel 7 (which is not a sliding cover as reference number 10 is disclosed to be a slide), a magazine 2, a gas cylinder 27 and a stopper projection 25 which is mounted at a side of a bullet air supply opening 22 in the head of a partition 24 (see column 17, lines 23-50, column 19, lines 9-11, Figure 1 of Maeda). Maeda specifically discloses a load packing 9 mounted in the side of the gun-rear end A of the barrel 6 where a bullet W is positioned for firing (see column 17, lines 32-33, Figure 1 of Maeda). As shown in Figures 1-13 of Maeda, the load packing 9, which is at the end tip of the barrel 6, never enters the chamber 5. Instead, the chamber 5 is always above the opening 4 from which bullets W immerge from the magazine 2 (Figs. 6 and 7). Instead of the barrel 6 or the load packing 9, a loading pipe 16, through which compressed gas is supplied to the bullet W sitting in

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the load packing 9 (see column 25, lines 9-12 of Maeda), is shown to be entering the chamber 5 (see Figs. 7-8 of Maeda). Therefore, in Maeda, the barrel 6 is not configured to be partially inserted into the firing chamber, as called for in claim 38.

For at least the reasons discussed above, independent claim 38 is patentable over Maeda. Claims 39-41, 45 and 46, which depend from claim 38, are likewise patentable over the applied reference for at least the reasons discussed above and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

V. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. Should the Examiner believe that anything further would be desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned, Seth S. Kim, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read "Seth S. Kim". The signature is fluid and cursive, with the first name "Seth" and last name "Kim" clearly distinguishable.

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